



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

July 12, 2006

SUBJECT: **2006-0582** – Application on an 8,417 square-foot site located at **814 Gail Avenue** (near Anshen Court) in an R-1 (Low-Density Residential) Zoning District. (APN: 323-05-041)

Motion Use Permit to allow construction of an 8-foot high side yard fence.

REPORT IN BRIEF

Existing Site Conditions Single Family Home

Surrounding Land Uses

North Single Family Home

South Single Family Home

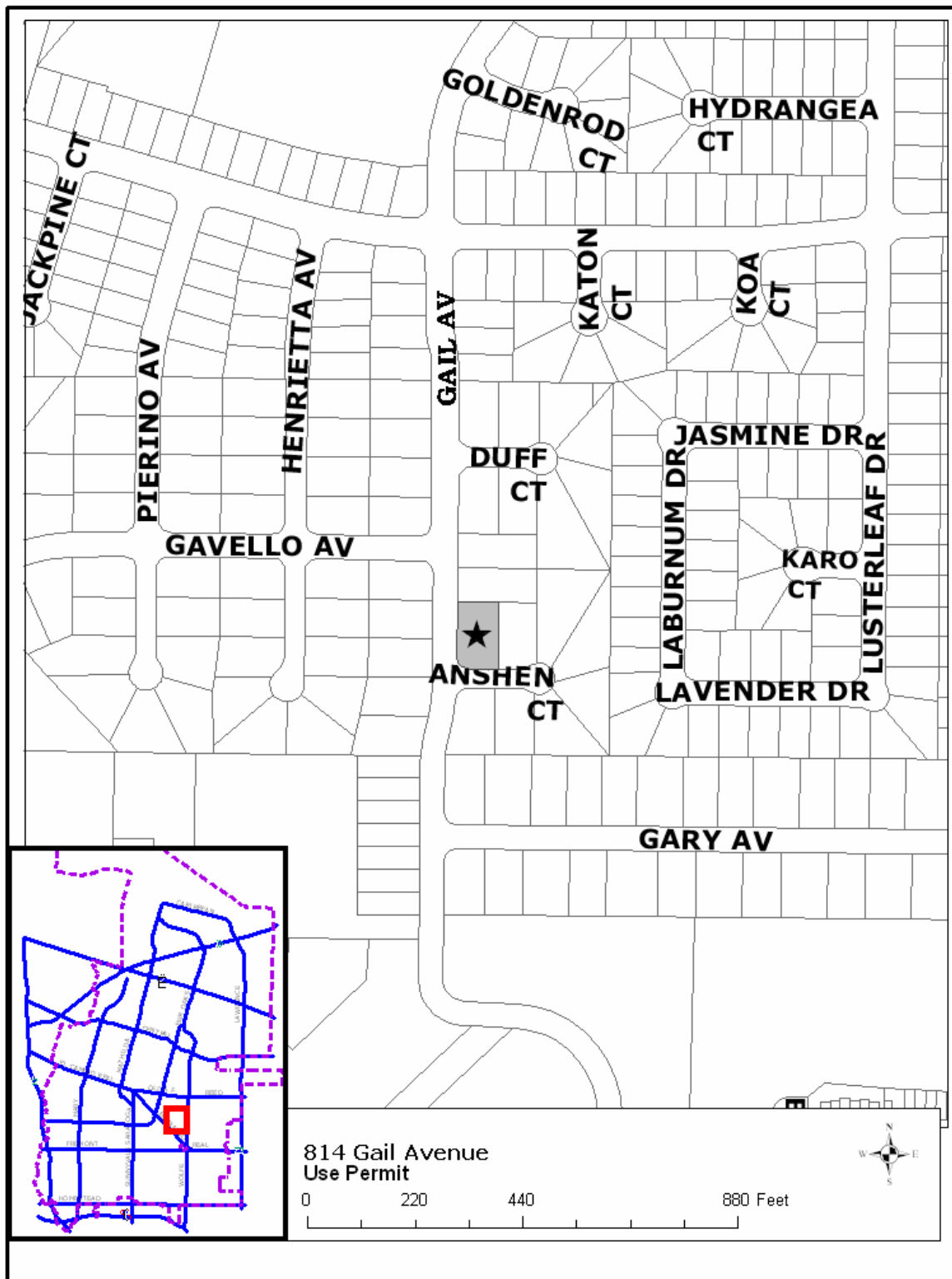
East Single Family Home

West Single Family Home

Issues Fence Height

Environmental Status A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve the Use Permit



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-1	Same	R-1
Lot Size (s.f.)	10,000	Same	8,000 min.

ANALYSIS**Description of Proposed Project**

The proposed project is a new 8-foot fence along the side property line between 814 Gail Avenue and 807 Anshen Court. A 7-foot portion would lie along the first 31'6" and last 24' 6" of the property. The subject 8-foot portion would lie along the property line directly adjacent to the recently built home at 807 Anshen Court. An existing 6-foot wood fence at this location would be removed. The Use Permit is required for the 8-foot portion of the fence. Seven foot high fences are allowed with an agreement between neighbors and do not require a hearing. The portion of the fence in question is shown on the site plan in Attachment C. The applicant has indicated that the taller fence will provide needed privacy due to the raised floor of the recently built one-story home. See Attachment D, "Applicant's Description and Justification for the Project," for more information))

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
1985-0379	Variance to allow a ten-foot front yard setback for a cabana (notes a 6-foot fence around entire property)	Administrative Hearing/Approved	5/9/05

Environmental Review

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 3 Categorical Exemptions include minor structures such as fences.

Use Permit

Site Layout: The layout of 814 Gail Avenue consists of a single family home on a corner lot (Gail Avenue and Anshen Court). The home takes its frontage from Gail Avenue. Although by definition the proposed fence is located along the side yard, given the layout of the existing home (facing Gail Avenue), the fence would function to improve the privacy within the rear yard of the subject site. The proposed fence would replace a portion of the existing six foot fence. The 8-foot portion of the fence would extend 75 feet directly adjacent to the neighboring recently constructed home. A 7-foot fence (6 feet and 1 foot lattice) would replace the remaining length of the fence at this property line. Currently, a six-foot wood fence encircles the property. The applicant does not propose any modifications to the remaining property line fences. It appears that the current front yard fence does not meet the required 40-foot corner vision triangle requirement. Staff does not require modifications or removal of the existing fence at the corner location as it had been allowed with a previous permit

Fence Design: The proposed fence would be consistent with the design of the current 6-foot board-on-board fence. Staff requires that the fence design be modified to incorporate a lattice feature for the top 12-18 inches of fence (Condition of Approval #1D) to coordinate with the 7-foot portion of the fence that is planned with a lattice feature

Compliance with Development Standards/Guidelines: Fences greater than seven feet tall along the side property lines require approval of a Use Permit. All other applicable development and Zoning standards with the exception of the corner vision triangle, considered legal non-conforming, are met. A building permit is required prior to construction of the fence.

Expected Impact on the Surroundings: The proposed eight-foot fence will have minimal visual impact to the surrounding neighborhood. The fence is located along a shared property line and is not readily visible to the public. As conditioned, the lattice feature will improve the visual appearance of the fence from the adjacent properties.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 7 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Do not approve the Use Permit.

Recommendation

Alternative 1.

Prepared by:

Ryan M. Kuchenig
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Applicant's Description and Justifications for the Project

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Single Family Design Techniques - 3.11.G *Side fencing may be solid wood boards, but open lattice work segments at the top of the wall are softer in appearance and encouraged. However, when privacy is at issue, fences should be constructed of wood up to a maximum height of six feet with at least the top twelve inches constructed of wood lattice to soften the visual appearance of the fence top. Chain link fencing is strongly discouraged*

Land Use and Transportation Action Statement - N1.1.1 – *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project, as conditioned, provides the owner sufficient privacy without compromising the aesthetics of the neighborhood. Given the layout of the site and the grade of the newly built home at 807 Anshen Court, the fence provides privacy for the rear yard of the subject site.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the fence is not visible from most of the neighboring area. The impacts of the fence would be limited to the adjacent properties that share the fence.

Recommended Conditions of Approval - Use Permit

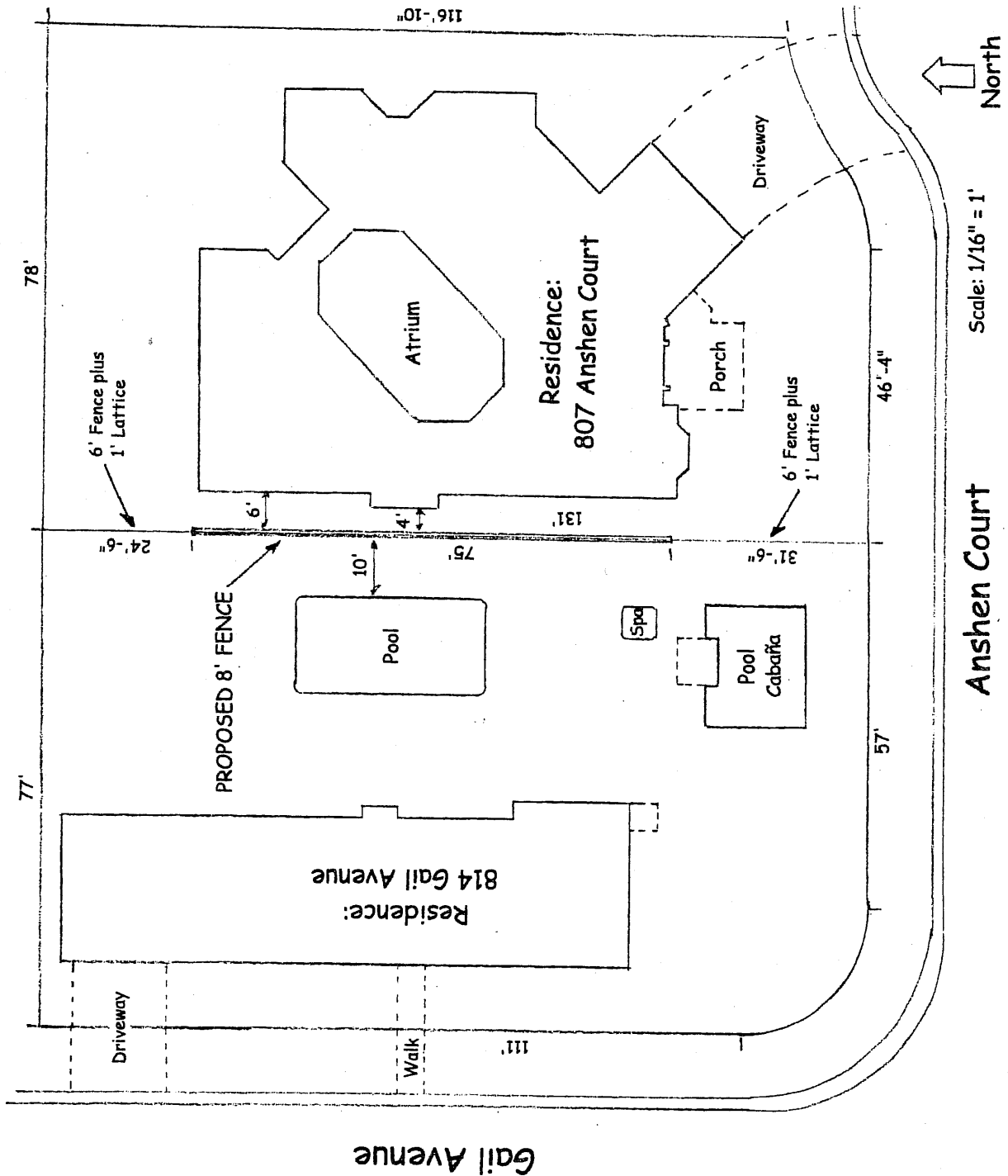
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review and approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development; major changes may be approved at an Administrative Hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by the Director of Community Development.
- C. Obtain a Building permit prior to construction of the fence.
- D. The fence shall incorporate at 12" to 18" lattice along the top portion of the entire length of the 7 to 8-foot fence.

SITE PLAN
Proposed Privacy Fence
Sunnyvale, CA June 5, 2006

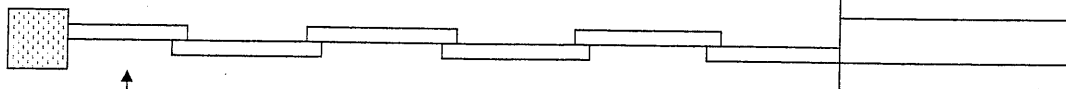




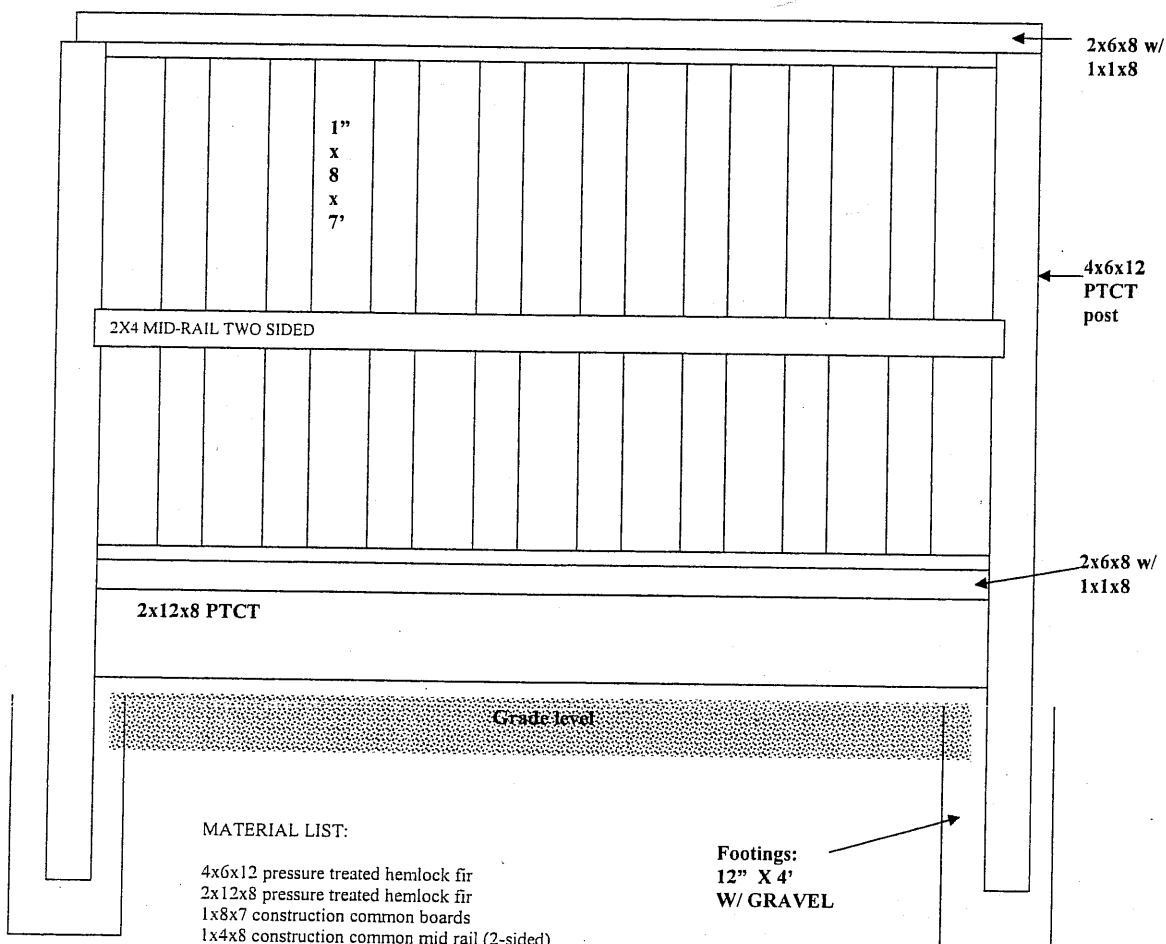
1711 SENTER ROAD • SAN JOSE, CALIFORNIA • 95112-2515
 RETAIL: (408) 286-6975
 CONSTRUCTION: (408) 286-7071
 FAX: (408) 279-0108

ATTACHMENT C
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BOARD ON BOARD



BOARD ARRANGEMENT



MATERIAL LIST:

4x6x12 pressure treated hemlock fir
 2x12x8 pressure treated hemlock fir
 1x8x7 construction common boards
 1x4x8 construction common mid rail (2-sided)
 2x6x8 solid top & bottom rails w/1x1 cleats
 ready mix concrete

footings = 12" X 4'
 slight crown on post

USE PERMIT APPLICATION

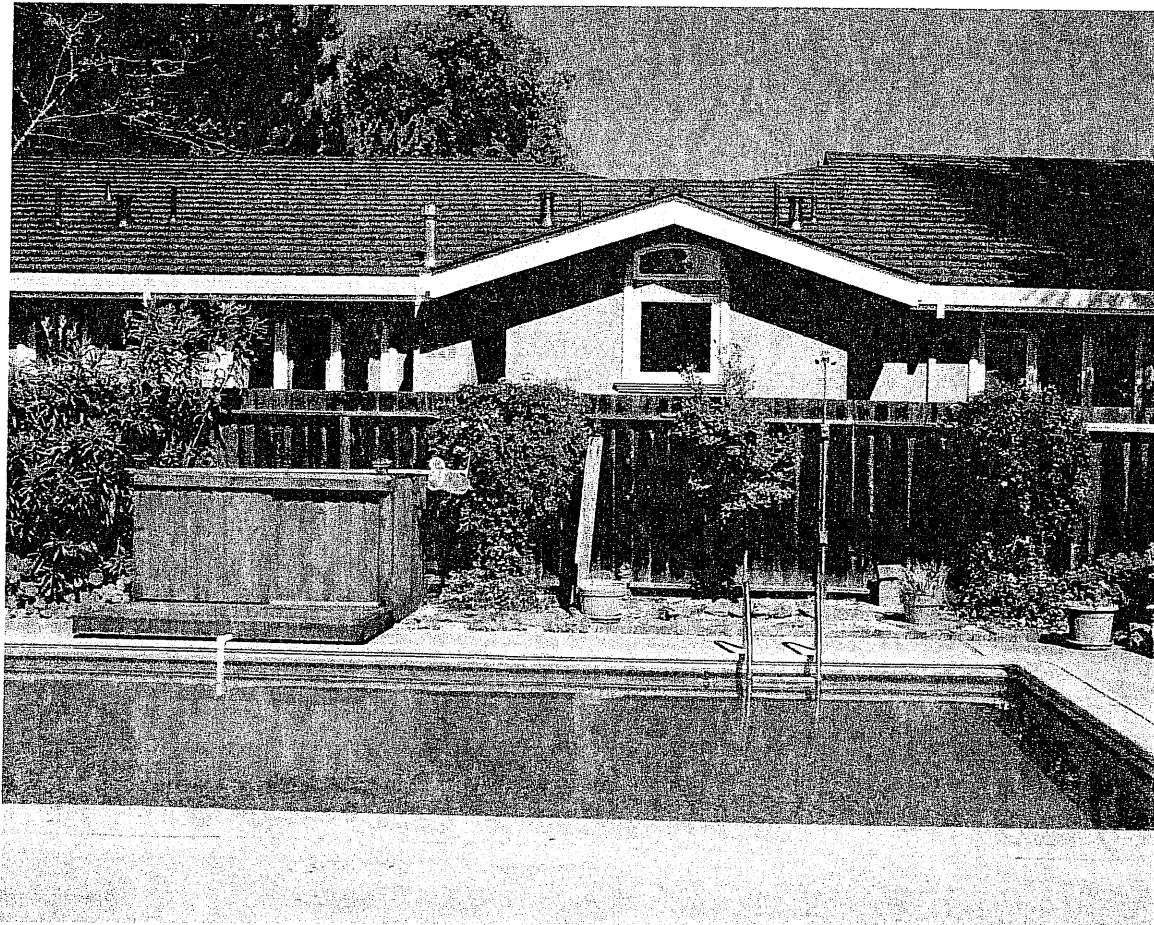
Applicants: George and Danielle Towner
814 Gail Avenue
Sunnyvale, CA 94086
408-738-0430

Date: June 5, 2006

For: "Good Neighbor" fence 8 feet high

Description: A board-on-board privacy fence 8 feet high running along the central portion of the common boundary between 814 Gail Avenue and 807 Anshen Court. The fence will not be visible from any street or any other property.

Justification: Applicants have lived in Sunnyvale at 814 Gail Avenue more than 20 years. In 2004 the neighboring residence at 807 Anshen Court was razed and in 2005 a new residence began to rise. Instead of being built on a ground slab, the new residence is built over a 3'-6" crawl space, so it rises over the existing 6' fence as shown below:



The owners of the two adjoining properties have agreed that an 8-foot fence running along the central 75 feet of their common 131-foot boundary will help provide mutual privacy. See the attached site plan.

The proposed fence will affect only the two properties. It will not be visible from any street or from any other property. It will not be materially detrimental to the public welfare or injurious to property, improvements, or uses within the immediate vicinity and within the zoning district.

The owners of 807 Anshen Court, George and Josefa Yagmourian, initiated a contract with Sierra Lumber and Fence Company to build the fence, and applicant has agreed to share the cost. Ten copies of Sierra's elevation drawing, with mechanical details of the fence, accompany this application.

The two properties involved are shown as lots 52 and 53 in Gavello Glen Tract No. 1196 on the accompanying tract plan.

Below, for comparison, is the appearance over the 6-foot fence of the previous (slab-foundation) residence At 807 Anshen Court, before it was razed.

